

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

UNITED STATES OF AMERICA,	)	
	)	
v.	)	02: 05cr385
	)	
JELANI SOLOMON	)	

**ORDER OF COURT**

Presently before the Court is the MOTION IN LIMINE RE: DEFENSE MITIGATING FACTORS AND WITNESS LIST filed by the government (*Document No. 564*) and the RESPONSE filed on behalf of the Defendant, Jelani Solomon (*Document No. 578*).

The government requests that the Court require the Defendant to provide a witness list to the Court and the government prior to the commencement of trial, and to provide a list of mitigating factors the defense intends to introduce, should this case reach the penalty phase. Defendant does not object to providing the government with a list of its witnesses, but has expressed concern that should it be required to provide a list of mitigating factors to the government prior to the trial, the government could use “some of the facts . . . against Mr. Solomon during the trial phase.” Response at ¶ 2.

After careful consideration, the Court rules as follows:

- (1) On or before **Noon on September 21, 2007**, the defense shall provide to the Court and to the government a list of its witnesses. In view of the ongoing defense investigation, Defendant’s duty to supplement its list of witnesses is ongoing and must be produced as developed;
- (2) Likewise, on or before **Noon on September 21, 2007**, the government shall provide to the Court and to the defense a list of its witnesses;

(3) On or before **Noon on September 21, 2007**, the defense shall provide to the government a list of mitigating factors which it intends to introduce in any penalty phase of the trial. In view of the ongoing mitigation investigation, Defendant's duty to supplement its list of mitigating factors is ongoing and must be produced as developed; and

(4) The government is cautioned not to use any of said mitigation information or evidence during its case in chief.

So **ORDERED** this 10th day of September, 2007.

BY THE COURT:

s/Terrence F. McVerry  
United States District Court Judge

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